

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

AMBER JEWELL, an individual, ROBYN
ROBINSON, an individual, HOLLI
SAWALLICH, an individual, BRANDY
DiPIETRO, an individual, CRYSTAL
HEMPEL, an individual, and COURTNEY
SCHMACKER, an individual,

Plaintiffs,

v.

LEGACY HEALTH, a corporation,
Defendant.

No. 3:23-cv-549

OPINION AND ORDER

BAGGIO, District Judge:

I. INTRODUCTION

On September 18, 2024, Magistrate Judge Jeff Armistead issued his Findings and Recommendation (“F&R”, ECF 14), recommending that Defendant Legacy Health’s Motion to Dismiss (“Mot. to Dismiss,” ECF 4) be granted in part and denied in part. Plaintiffs objected (“Objs.”, ECF 20) on October 16, 2024, and Defendant filed its response (“Resp. to Objs.”, ECF 24) on November 8, 2024.

II. DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. 28 U.S.C. §§ 636(b)(1)(B), (C). If a party objects, the court “shall make a

de novo determination of those portions of the report or specified proposed findings or recommendation to which objection is made.” *Id.* § 636(b)(1)(C). The court is not, however, required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Ramos*, 65 F.4th 427, 433 (9th Cir. 2023). While the level of scrutiny that the court applies to its F&R review depends on whether a party has filed objections, the court is free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C); *see also Thomas*, 474 U.S. at 154.

III. CONCLUSION

Upon review, the Court agrees with Judge Armistead’s recommendation, and ADOPTS the F&R (ECF 14) in full. Defendant’s Motion to Dismiss (ECF 4) is granted with respect to Plaintiff Crystal Hempel’s federal and state religious discrimination claim and otherwise denied as set forth in the F&R. Plaintiff Crystal Hempel’s federal and state religious discrimination claim is dismissed with leave to amend. Any amended complaint must be filed within 30 days from the date that this Opinion and Order is filed.

IT IS SO ORDERED.

DATED this 16th day of December 2024.

Amy M. Baggio
AMY M. BAGGIO
United States District Judge